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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,491	06/22/2001	Mototsugu Abe	09792909-5051	7720

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EXAMINER

LAYE, JADE O

ART UNIT PAPER NUMBER

2617

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,491

Applicant(s)

ABE ET AL.

Examiner

Jade O. Laye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

I. Applicant's amended Title and Specification and added Claims, dated 11/21/05, have been entered and made of record. Accordingly, the objections applied in the previous Non-Final Action are hereby withdrawn.

Response to Arguments

II. Applicant's arguments have been considered but are moot in view of following discussion and the subsequent new ground(s) of rejection. Accordingly, **THIS ACTION IS MADE FINAL.**

Applicant argues Claim 1 requires the access site information corresponding to a commercial message be located in a separate access site information furnishing means and is acquired only after the commercial message in the transmission signal is detected and, therefore, *Wolzien* fails to disclose such limitations. (Applicant's Response, Pg. 18). The Examiner disagrees for three reasons, which will be discussed in turn.

Claim 1, as written, does not recite the use of a "separate" (or plural) access site furnishing means. In fact, the Examiner interprets the claims as possibly requiring only one access site furnishing means, which could have plural functions (e.g., detecting embedded signal, retrieving data, etc.). In view of this interpretation, *Wolzien* does in fact disclose an "access controller" (i.e., access site furnishing means), which performs such functions. (please refer to Fig. 1 and the cited portions used in the rejection below).

The access site information (i.e., URL) of *Wolzien* could be interpreted as being located in the access controller or at the online providers location. At Column 5, Ln. 42-47, *Wolzien* teaches the access controller itself stores the URL. Alternatively, it is inherent the online providers also store the URL in order to facilitate communications between the user and the originating network computer. Accordingly, *Wolzien* does disclose a system which, being broadly interpreted, comprises a “separate access site information furnishing means” (i.e., access controller, online provider, network computer, etc.) that contains the URL.

Lastly, *Wolzien* further discloses that none of the previously discussed processes begin until the embedded signal is detected. (Col. 3, Ln. 45-49). Therefore, the URL (i.e., access site information) is acquired only after the embedded signal in the transmission has been detected. Accordingly, the Examiner maintains that *Wolzien* discloses the features recited in Claim 1 as originally written.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

III. Claims 1, 3-5, 7-9, 16-20, 22-24, 26-28, and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* (US Pat. No. 5,761,606) in view of *Moon et al.* (US Pat. No. 3,919,479).

As to claim 1, *Wolzien* discloses a system which provides direct automated access to online information via a URL embedded within the audiovisual signal. More specifically,

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Wolzien discloses a transmission means (i.e., public/private network connected via transmission line), detailed information furnishing means (i.e., online info providers), access site information furnishing means (i.e., network), means for detecting pre-set signal (i.e., embedded signal), and a means for connecting to and acquiring the access site information. (Abstract ; Col. 1, Ln. 5-11 ; Col. 2, LN. 59-67 thru Col. 3, Ln. 1-15 & 24-49 ; Col. 4, Ln. 63-Col. 5, Ln. 67; Col. 7, Ln. 22-67 thru Col. 8, Ln. 1-5 ; Figure 1).

Although *Wolzien* does disclose the embedded signal could be located within a commercial message, he does not specifically teach the system can detect the commercial itself. However, at the time of Applicant's invention, the detection of commercial messages in broadcast communications was notoriously well-known as evidenced by *Moon et al.* (Abstract; Col. 1, Ln. 7-12 & 45-50; Col. 2, Ln. 57-Col. 3, Ln. 17). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Wolzien* and *Moon*, thereby providing a more efficient method of supplying direct automated access to online data provided in commercial messages.

Claims 5, 16, 20, 24, 32, and 35 correspond to claim 1. Thus, each is analyzed and rejected as previously discussed.

As to claim 3, *Wolzien* further teaches the pre-set signal can be embedded within a commercial message. (Abstract & Col. 1, Ln. 45-50). Accordingly, the combined systems of *Wolzien* and *Moon* disclose all limitations of claim 3.

Claims 8, 18, 22, 27, 33, and 37 correspond to the system claim 3. Thus, each is analyzed and rejected as previously discussed.

As to claim 4, *Wolzien* further teaches the access site information can be a URL. (Abstract & Col. 1, Ln. 5-11). Although not explicitly discussed, *Wolzien* teaches the provision of online information via an address (i.e., URL address). Thus, it is inherently disclosed. Accordingly, the combined systems of *Wolzien* and *Moon* disclose all limitations of claim 4.

Claims 9, 19, 23, 28, 34, and 38 correspond to the system claim 4. Thus, it is analyzed and rejected as previously discussed.

As to Claim 7, *Wolzien* further teaches the use of a storage means for storing the URL addresses. (Col. 3, Ln. 50-57 ; Col. 5, Ln. 42-67 thru Col. 6, Ln. 1-7). But, *Wolzien* fails to disclose the remaining limitations of claim 7. However, the Examiner takes Official Notice that, at the time of Applicant's invention, it was notoriously well-known in this art to allow users to browse commercial messages. (as evidenced by *Hendricks et al*, US Pat. No. 5,600,364 at Col. 16, Ln. 23-25). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combined systems of *Wolzien* and *Moon* with the teachings of *Hendricks* in order to provide a multimedia system which also allows the user to view commercials at his or her convenience.

Claims 17, 26, and 36 correspond to the system claim 7. Thus, each is analyzed and rejected as previously discussed.

IV. Claims 2, 6, 10-15, 21, 25, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* in view *Moon et al* as discussed under Claim 1, and further in view of *Matthews, III et al*. (US Pat. No. 6,025,837).

Claim 2 recites the system of Claim 1, further comprising limitations which will not be recited here, however each limitation will be addressed. (refer to claim sheet). As discussed above, the combined systems of *Wolzien* and *Moon* disclose all limitations of claim 1, but fail to specifically recite the limitations of claim 2. However, within the same field of endeavor, *Matthews* discloses a similar system in which an Electronic Programming Guide detects the signal transmission time and channel via a connection to an enhanced content and media server. (Abstract ; Col. 4, Ln. 27-65 ; Col. 7, Ln. 9-41 ; Col. 9, Ln. 56-67 thru Col. 10, Ln. 1-13 ; Figures 1-3 & 5). Accordingly, it would have been obvious to one of ordinary skill in this art at the time of applicant's invention to combine the systems of *Wolzien*, *Moon*, and *Matthews* in order to provide a system wherein the user could readily identify supplemental information related to audiovisual signals and access that same information automatically, without the need to move to a separate computer terminal.

Claims 6, 21, and 25 correspond to claim 2. Thus, each is analyzed and rejected accordingly.

Claim 10 recites an information processing apparatus comprising limitations too numerous to recite herein. (please refer to claim sheet). The limitations of claim 10 are only combinations of limitations from claim 1, 2, and 7. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to further modify the combined systems of *Wolzien*, *Moon*, and *Matthews* with the teaching of *Hendricks* (taken from Claim 7's Official Notice) in order to provide a multimedia system which also allows the user to view commercials at his or her convenience.

The limitations of claims 11 and 12 correspond to those recited in claims 3 and 4, respectively. Accordingly, each is analyzed and rejected accordingly.

The limitations of claim 13 are combinations of limitations from claims 1 and 2. Thus, it is analyzed and rejected as previously discussed.

Claims 14 and 15 correspond to claims 3 and 4, respectively. Thus, each is analyzed and rejected as previously discussed.

Claim 29 recites limitations which are combinations of claims 1 and 2. Thus, it is analyzed and rejected as previously discussed.

Claims 30 and 31 corresponds to claims 3 and 4, respectively. Thus, each is analyzed and rejected as previously discussed.

V. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* in view of *Moon et al* as applied to claim 1 above, and further in view of *Goldschmidt Iki et al.* (US Pat. No. 6,226,444).

Newly added Claim 39 recites the system of Claim 1, wherein the detecting section detects said commercial message from said transmission signal sent based on at least one transmission property of said commercial message. As discussed above, the combined systems of *Wolzien* and *Moon* disclose all limitations of Claim 1, but fail to disclose those of Claim 39. However, within the same field of endeavor, *Goldschmidt* discloses a similar system which identifies commercial messages based upon the sound volume. (Col. 5, Ln. 27-49). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of

Applicant's invention to modify the combined system of *Wolzien* and *Moon* with the teaching of *Goldschmidt* in order to provide an alternative method of identifying commercial messages.

Claim 40 is encompassed within the rejection of Claim 39. Thus, it is analyzed and rejected as previously discussed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Terakado et al* (US Pat. Pub. No. 2002/0001042) disclose a system which displays stored commercial messages.
- b. *Redford et al* (US Pat. No. 5,957,695) disclose a system which displays stored commercial messages.
- c. *Knepper et al* (US Pat. No. 2001/0042249) disclose a system which displays stored commercial messages.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye
Initials: JO
January 27, 2006.



VIVEK SRIVASTAVA
PRIMARY EXAMINER